

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DANIEL CISNEROS and ALBERT ESTRADA,
on behalf of themselves and others similarly situated,

Plaintiffs,

v.

Civ. No. 19-500 GBW/GJF

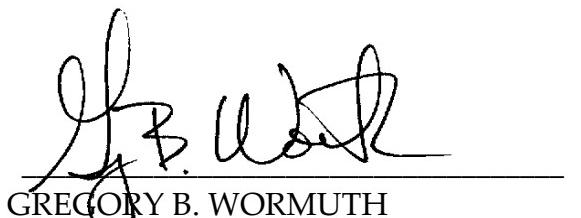
EP WRAP-IT INSULATION, LLC;
CYNTHIA LUCERO; and
ABRAM LUCERO,

Defendants.

ORDER DENYING MOTION TO DISMISS AS MOOT

THIS MATTER comes before the Court on Defendant EP Wrap-It, LLC's Motion to Dismiss Pursuant to Federal Rule of Procedure 12(B) (*doc. 8*). This motion was filed on July 1, 2019 and was brought pursuant to Federal Rules of Civil Procedure 12(b)(4) and 12(b)(5). Subsequently, on July 15, 2019, pursuant to Federal Rule of Civil Procedure 15(a)(1)(A), Plaintiffs filed their First Amended Complaint. *See doc. 10*. As "an amended complaint supercedes an original complaint and renders the original complaint without legal effect[,]" the motion to dismiss the original complaint is moot. *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007) (citations and quotations omitted); *see, e.g., Fox v. New Mexico Aging*, 2014 WL 12786888 (D.N.M. Oct. 17, 2014) (unpublished). Therefore, the

Court hereby DENIES the Motion (*doc. 8*) AS MOOT.¹



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent

¹ The Court will address the Defendants' remaining Motion to Dismiss (*doc. 13*) in a separate order.